

**U.S. Department of the Interior  
Bureau of Land Management  
Kremmling Field Office  
PO Box 68  
Kremmling, CO 80459**

## **DETERMINATION OF NEPA ADEQUACY (DNA)**

NUMBER: DOI-BLM-LLCON02000-2013-020-DNA

CASEFILE/PROJECT NUMBER: N/A

PROJECT NAME: State Bridge Special Recreation Permit Renewal

LEGAL DESCRIPTION: T. 2 S., R. 83 W., Sections 24 & 25, 6<sup>th</sup> P.M.

APPLICANT: Doog Properties SB LLC

ISSUES AND CONCERNS: In the spring of 2010, under new ownership, the owners of the State Bridge property proposed music events on the property.

Douglas Moog, the owner of the property, received a Special Use Permit from Eagle County. The Special Use Permit had a maximum of 500 attendees per event day. Events over 500 attendees require an application for a Mass Gathering Permit from Eagle County. Events with over 250 attendees were limited to 15 events per year. Stipulations from the BLM and the Eagle County Special Use Permit were outlined in the original EA.

The BLM has conducted a Wild & Scenic River Eligibility Report for the Resource Management Plan Revision; an updated cultural survey of the BLM-administered lands adjacent to the private property has been completed; and, the proponent has commissioned a traffic impact study for the county's mass gathering permit.

### DESCRIPTION OF PROPOSED ACTION:

The proposed action is to issue a one year Special Recreation Permit (SRP) to authorize camping by event participants on BLM-administered lands adjacent to the State Bridge private property. The SRP would be issued for a one year period, with the option to renew the permit, pending the results of monitoring studies. The SRP would only authorize use on the BLM-administered lands shown on the attached map. The BLM had a meeting with State Bridge in 2013 to discuss the renewal of the permit. Monitoring after each event during the summer has determined several additional stipulations that would be added to the 1-year permit.

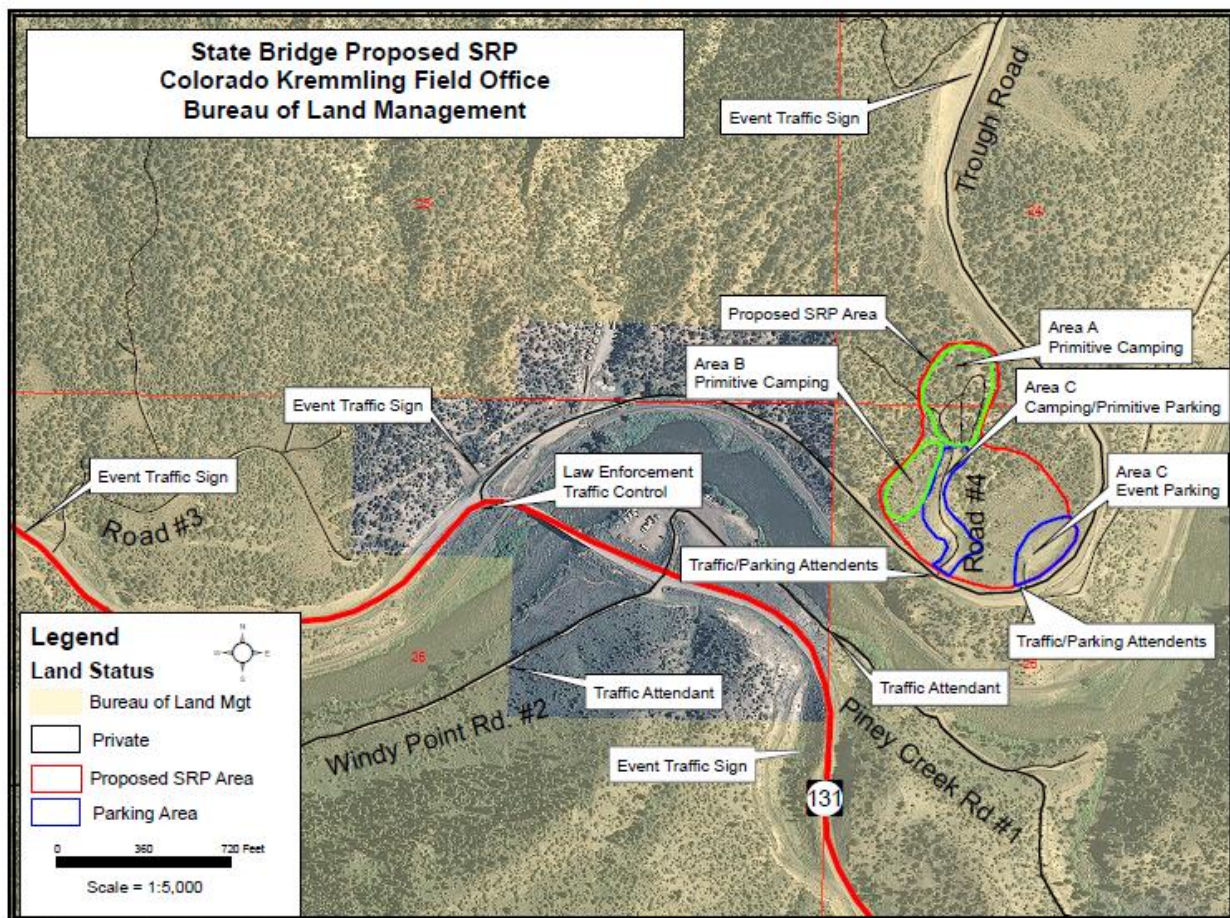
The SRP would include the following stipulations:

- On event weekends, the permittee:

- Shall ensure traffic/parking attendants would be on duty directing traffic at the locations identified on the attached map.
- Shall place six portable toilets within the proposed SRP area (see attached map). At least one portable toilet (per bank of toilets) would be kept unlocked at all times.
- Shall place one five yard dumpster or five one yard dumpsters within the proposed SRP area (see attached map). The dumpster would be on site, ready for use by noon on Friday and remain on site through Sunday night (on holiday weekends, through Monday night). Dumpsters must be emptied frequently enough so that overflowing trash does not blow out. Dumpsters must be removed between events.
- Shall be responsible for installing “Event in Progress” signs on both approaches to Trough Road on Hwy 131, approximately 1/2 mile from intersection.
- Shall be responsible for ensuring all event traffic parks and camps on either private property or within the proposed SRP area. Paid event parking and camping are not allowed on BLM-administered lands outside the proposed SRP area (see attached map).
- Shall be responsible for ensuring no camping occurs within the designated parking areas (see attached map).
- Shall be responsible for ensuring all campfires are in the proposed SRP area and outside the designated parking areas. The permittee is responsible for cleaning and maintenance of fire rings in the SRP area after each event.
- Shall post a point of contact on the camping bulletin board for the public to use in case of emergency or complaints.
- Parking areas would be fenced off with temporary fencing to prevent vehicle traffic outside the designated parking areas. Area C (per map) - Camping/Parking and Event Parking would allow for a maximum of 100 vehicles.
- State Bridge Lodge would make a diligent effort to enforce developed campsite rules identified in the Kremmling Resource Management Plan and posted on bulletin boards (e.g., no fire ash on ground, no amplified music in camping area, dogs must be on leash, etc.).
- An assigned site fee would be charged if more than 25 people use BLM-administered lands (including old Trough Road) during any Live Music Event.
- No State Bridge Lodge employees, volunteers, or artists may use BLM-administered lands (including old Trough Road) more than 14 days consecutively, per 43 CFR 8365.1-6, except for a camp host in the camping area of BLM-administered lands.
- The tepee platforms may be used by State Bridge Lodge. No permanent structures may be built.
- The permittee would post a cash or surety bond in the amount of \$10,000 to cover any reclamation/restoration costs that result from the events.
- The BLM would monitor the project area for establishment of invasive, non-native species. BLM would be responsible for the treatment of invasive and non-native species.
- The BLM would conduct an inter-disciplinary assessment of the area prior to renewing the SRP and at the end of the season. Preventive or remedial modifications would be added to the permit to insure no accelerated runoff was leaving the SRP site and impacting water quality by requiring erosion control work or drainage improvements on trails and camping sites.
  - Review—buck and rail or signage should designate camping spots
  - Drainages east of the main access route should be closed--- so hopefully some vegetative improvements would occur in drainage and between sites
  - Road width should be limited.
  - A temporary fence would be constructed to delineate parking and camping areas slowing vegetation damage and erosion.

- The permittee shall post a copy of the Special Recreation Permit (Form 29309-1) and these permit stipulations in prominent view at the campsite where cooperators and participants have an opportunity to read them.
- Violations of these conditions and stipulations may be subject to penalties prescribed in 43 CFR 2930. Additionally, such violations may result in permit revocation, suspension, or probation. Violations may also be cause for the BLM to deny approval of subsequent Permit or Operating Authorization (43 CFR Part 2932).
- State Bridge Lodge shall make an authorized representative available to the BLM 24 hours a day during events. This representative must be authorized to represent and act on the State Bridge Lodge's behalf to coordinate as needed with BLM law enforcement and personnel and other event cooperators on issues requiring action. The contact information of the representative should be given to the BLM before each event.
- Commercial activities are prohibited within the BLM-administered camping area, unless specifically authorized in advance by the BLM. State Bridge Lodge would inform BLM representatives of unauthorized commercial operations discovered at the event and the corrective actions being implemented within a reasonable time of learning about the activities. This includes but is not limited to commercial film production, photography, food services, vendors of goods and services, and other independent commercial ventures.
- State Bridge Lodge shall cooperate with the BLM or other law enforcement agencies in evaluating any request to remove individuals from the event as provided in 43 CFR 2932.57(a)7.
- State Bridge Lodge would develop and implement a plan to address exposing minors to adult activities at the campsite. The plan should include measures such as educating and requiring parents/guardians to supervise their children. State Bridge Lodge would make a diligent effort to enforce actions identified in the plan.
- Eagle County Stipulations would be followed, per Special Use Permit:
  - On event weekend, the permittee: Would be responsible for ensuring no event traffic parks on or along either the Trough Road or Colorado Hwy 131. Along both side of SH-131 and Trough Road in vicinity of the intersection and adjacent to State Bridge, 'No Parking' signs would be installed as requested by CDOT and Eagle County.
  - Uniformed traffic control shall be required for any event where more than 250 event tickets have been issued; a commissioned law enforcement officer would direct traffic at the intersection between the Trough Road and Colorado Hwy 131 for the duration of an event as defined by Colorado State Patrol and/or Eagle County Sheriff's Department. Colorado State Patrol and the Eagle County Sheriff's Department may determine that Uniformed Traffic Control is not necessary and documented in writing.

Decision to be Made: The decision to be made is whether to re-issue the special recreation permit to Doog Properties SB LLC for camping on public lands at the "Village Campground" for one year.



## PLAN CONFORMANCE REVIEW:

Name of Plan: Kremmling Resource Management Plan

Date Approved: December 1984 and amended November 1991, and updated February 1999.

Decision Number/Page: Decision Number II B 7a/ Page 11

Decision Language: a. Objective. "To ensure the continued availability of outdoor recreational opportunities which the public seeks and which are not readily available from other sources, to reduce the impacts of recreational use on fragile and unique resource values, and to provide for visitor safety, and resource interpretation."

## REVIEW OF EXISTING NEPA DOCUMENTS:

List by name and date all existing NEPA documents that cover the Proposed Action.

Name of Document: DOI-BLM-CO-120-2010-045-EA

Date Approved: May 24, 2011

## NEPA ADEQUACY CRITERIA:

1. Is the new Proposed Action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document? If there are differences, can you explain why they are not substantial?

The Proposed Action is the same as analyzed in the existing NEPA document. The location of the project is the same and the only real difference is that the area would not be used as a parking lot for non-campers attending the events.

2. Is the range of alternatives analyzed in the existing NEPA document appropriate with respect to the new Proposed Action, given current environmental concerns, interests, and resource values?

Two alternatives (Proposed Action and No Action Alternative) were analyzed in EA #DOI-BLM-CO-120-2010-0045-EA. No reasons were identified to analyze additional alternatives and these alternatives are considered to be adequate and valid for the Proposed Action.

3. Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessment, recent endangered species listings, updated lists of

BLM-sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new Proposed Action?

There is no new information or circumstances that would invalidate the existing analysis. Monitoring was completed throughout the summer during the events by recreation specialists and later by resource specialists when the season was completed. There has been resource damage to soils and vegetation. There would be a temporary fence constructed to delineate parking and camping areas to try to prevent further resource damage. Reclamation may be required in some areas after the season. The permit would continue be monitored

4. Are the direct, indirect, and cumulative effects that would result from implementation of the new Proposed Action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?

The direct, indirect, and cumulative effects that would result from implementation of the new Proposed Action are similar to those analyzed in the existing NEPA document.

5. Is the public involvement and interagency review associated with existing NEPA documents adequate for the current Proposed Action?

A request for comments on the renewal of the permit was printed in the local paper. Meetings were held with the permittee and Eagle County to discuss the renewal. One positive comment was received about a camping area vital to the success of the venue.

#### INTERDISCIPLINARY REVIEW:

The Proposed Action was presented to, and reviewed by, the Kremmling Field Office interdisciplinary team on 04/01/2013. A site visit was made on 5/17/2013. A complete list of resource specialists who participated in this review is available upon request from the Kremmling Field Office. The table below lists resource specialists who provided additional remarks concerning cultural resources and special status species.

<b>Name</b>	<b>Title</b>	<b>Resource</b>	<b>Date</b>
Bill B. Wyatt	Archaeologist	Cultural Resources, Native American Religious Concerns	5/9/2013
Megan McGuire	Wildlife Biologist	Special Status Wildlife Species	5/14/2013
Zach Hughes	Natural Resource Specialist	Invasive/Vegetation	04/08/2013
Paula Belcher	Hydrologist	Surface and Ground Water Quality, Hydrology, Soils	05/14/2013

#### REMARKS:

Soil/Water: Requested designated campsites and reductions in numbers. 2012 use was reviewed in the fall, and the amount of bare ground was much greater than 2011 visit.

MITIGATION: None

COMPLIANCE and MONITORING:

1. The BLM would monitor the project area for establishment of invasive, non-native species. BLM would be responsible for the treatment of invasive and non-native species.
2. The BLM would conduct an inter-disciplinary assessment of the area prior to renewing the SRP for a baseline and at the end of the season. Preventive or remedial modifications would be added to the permit to ensure no accelerated runoff was leaving the SRP site and impacting water quality by requiring erosion control work or drainage improvements on trails and camping sites.
3. Monitoring conducted by State Bridge employees to ensure avoidance of the three eligible sites would be during all recreational activities, and periodic site monitoring by the Field Office Archaeologist of the eligible sites. Site protection and monitoring could be established in the future by the creation of a site stewardship partnership with State Bridge to ensure that no adverse effects would take place.

NAME OF PREPARER: Hannah Schechter

NAME OF ENVIRONMENTAL COORDINATOR: Susan Cassel

CONCLUSION

Based on the review documented above, I conclude that this proposal conforms to applicable land use plan and that the NEPA documentation fully covers the Proposed Action and constitutes BLM's compliance with the requirements of the NEPA.

SIGNATURE OF AUTHORIZED OFFICIAL: /s/ Susan Cassel  
Field Manager

DATE SIGNED: 5/21/13

Note: The signed Conclusion in this DNA Worksheet is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision. However, the lease, permit, or other authorization based on this DNA is subject to protest or appeal under 43 CFR Part 4 and the program-specific regulations.

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**DECISION RECORD**

**PROJECT NAME:** State Bridge Special Recreation Permit Renewal

**NUMBER:** DOI-BLM-LLCON02000-2013-020-DNA

**DECISION**

It is my decision to implement the Proposed Action, as mitigated in DOI-BLM-LLCON02000-2013-020-DNA authorizing the renewal of the State Bridge Special Recreation Permit.

**Mitigation Measures**

**COMPLIANCE WITH LAWS & CONFORMANCE WITH THE LAND USE PLAN**

This decision is in compliance with the Endangered Species Act, and the National Historic Preservation Act. It is also in conformance with the 1984 and updated 1999 Kremmling Record of Decision/Approved Resource Management Plan and the Federal Land Policy Management Act (FLPMA).

**PUBLIC INVOLVEMENT**

A request for comments on the renewal of the permit was printed in the local paper. Meetings were held with the permittee and Eagle County to discuss the renewal. One positive comment was received about a camping area vital to the success of the venue. The EA was available for a formal 30-day public comment period on May 21, 2013 as posted on the Kremmling Field Office's internet website.

**RATIONALE**

Based on information in the DNA, the project record, and consultation with my staff, I have decided to renew the Special Recreation Permit to Doog Properties SB LLC as described in the DNA. The project is not expected to adversely impact any resources with the stipulations and monitoring measures required by the Special Recreation Permit.

**ADMINISTRATIVE REMEDIES**

Administrative remedies may be available to those who believe they will be adversely affected by this decision. Appeals may be made to the Office of Hearings and Appeals, Office of the



Secretary, U.S. Department of Interior, Board of Land Appeals (Board) in strict compliance with the regulations in 43 CFR Part 4. Notices of appeal must be filed in this office within 30 days after publication of this decision. If a notice of appeal does not include a statement of reasons, such statement must be filed with this office and the Board within 30 days after the notice of appeal is filed. The notice of appeal and any statement of reasons, written arguments, or briefs must also be served upon the Regional Solicitor, Rocky Mountain Region, U.S. Department of Interior, 755 Parfet Street, Suite 151, Lakewood, CO 80215.

The effective date of this decision (and the date initiating the appeal period) will be the date this notice of decision is posted on BLM's (Kremmling Field Office) internet website.

**SIGNATURE OF AUTHORIZED OFFICIAL:** /s/ Susan Cassel  
Field Manager

**DATE SIGNED:** 5/21/13